

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ALEXANDAR CVIJETINOVIC**, : Case No. 04-CV-2555  
**Petitioner**, :  
: JUDGE KATHLEEN M. O'MALLEY  
v. :  
**MICHELLE EBERLIN, WARDEN**, : ORDER  
**Respondent**, :

This matter is before the Court on remand from the United States Court of Appeals for the Sixth Circuit. On March 31, 2008, this Court conditionally granted Cvijetinovic's petition for a writ of habeas corpus on his *Blakely v. Washington*, 542 U.S. 296 (2004) claim. Specifically, the Court found that, although Cvijetinovic's *Blakely* claim was procedurally defaulted, he established cause and prejudice to overcome the default. *See Cvijetinovic v. Eberlin*, 617 F.Supp.2d 620 (N.D. Ohio 2008).

On August 23, 2010, the Sixth Circuit reversed this Court’s conditional grant of a habeas writ and remanded the case. The Sixth Circuit concluded that Cvijetinovic “has not shown cause for procedurally defaulting his *Blakely* claim.” *Cvijetinovic v. Eberlin*, 617 F.3d 833, 840 (6th Cir. 2010). Accordingly, the conditional writ of habeas corpus originally granted on March 31, 2008 by this Court is **DISSOLVED**, and Cvijetinovic’s habeas petition is **DISMISSED**.

## **IT IS SO ORDERED.**

**s/Kathleen M. O'Malley**  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**Dated: November 17, 2010**